

REMARKS/ARGUMENTS

This communication is responsive to Office Action of August 12, 2004 in which the following objections were raised: [1-2] Claims 1 and 9 were rejected under 35 U.S.C. 112, first paragraph; [3] The drawings were objected to under 37 CFR 1.83(a); [4-5] Claims 1-4 and 6-14 were rejected under 35 U.S.C. 102(b) as anticipated by Takeshi, Ogaki (EP 0748107); and [6] Claim 5 was objected to as being dependent upon a rejected base claim, but indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant greatly appreciates the Telephonic Conferences with the Examiner on February 9th and 10th 2005 in which amendment of Claim 1 to overcome the rejection under 35 U.S.C. 112 were discussed.

AMENDMENTS TO THE SPECIFICATION:

Applicant has reviewed the specification and amended same to correct: spelling errors, inconsistencies in the reference to the administrative setup pages 124 (See FIGS. 1, 2, 4 and associated Specification on page 14, line 1), inconsistencies in the reference to the process blocks 662, 664 (See FIGS. 6B and associated Specification on page 16, lines 5-6), and inconsistencies in the reference to the image server, e.g. image servers 130 and 140 as well as the associated image acquisition devices 134, 144 respectively attached thereto.

1-2. CLAIMS 1 AND 9 REJECTED UNDER 35 U.S.C. 112:

Claims 1 and 9 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Specifically the language in Claim 1 related to the: "...means for connecting said meta information regarding said selected image to the digital image file in connection with an image information acquiring operation..." (Office Action of 8/12/04 at page 2).

The Applicant respectfully submits that there is express support for and enablement of structures effecting the aforesaid 'connection' between meta information and a corresponding 'digital image file', including the following:

"This server prompts the user to input meta information that are to be connected to the digital image file at the time and place of the image acquiring operation. The required information may vary between destinations." (Specification at page 3, line 27-29). *"The scan server 130 includes a processor 404, a memory 402, a network access control 408 ..."* (Specification at page 13, line 21 and FIG. 4, emphasis added) *"This method enables a user to input the meta information to be connected to the digital image file at the time and place of the image acquiring operation."* (Specification at page 4, line 22-23). *"A scenario where this could be useful is if a user scans a document at a scanning device such as a digital copier, scanner or MFP the user would be able to attach some extra information to the image, e.g. if an invoice is scanned the user could connect an invoice number and last payment date to the image. This connected meta information can then e.g. be used by different applications such as an accounting software or for storing it in a database server under a unique name."* (Specification at page 4, line 32-37).

Connection can take place image and header in same packet, or individual packets with same or different destinations: *"... the scan server prompts the user for each image or set of images which is generated for the associated destination and such other header information as may be required. The server then sends the image and associated header to the selected destination. In the example shown packet 152, 172, 182, and 192 are sent from scanner 130 to client computer 150, mail server 170, database server 182 and fax server 192 respectively.... In alternate embodiments of the invention the header and packet may be split into individual packets or attachments. In still another embodiment of the invention the header may be sent to a different destination than the image. Header information may vary depending on the destination for the image selected by the user. In still another embodiment of the invention the header and/or image portions of each packet may be sent to such additional locations as are specified in the configuration parameters uploaded into the server from the global configuration page."* (Specification at page 8, line 21-35)

and FIG. 1). *“During run-time processes 420-424 handle the acquisition of image input and any conversion thereof in image input processes 424; the prompting, validation and input of user inputs in user input processes 422, and the packaging of the image and user input in a single, or separate packet(s) and delivery thereof to one or more destinations as specified by the user and by any configuration parameters pertaining thereto in delivery processes 420.”* (Specification at page 14, line 9-16, emphasis added and FIG. 4). *“In process 664 the information provided by the user is placed in a header file along with any associated formatting information which may be called for by the configuration files.... In process 666 the packet with the image file and header file is transmitted to the destination.”* (Specification at page 15, line 27- page 16, line 10, emphasis added and FIG. 6).

Given the extensive and overlapping support in the specification and accompanying: hardware block, process flow, software module and overall system environment diagrams for all processes effected by the scan server utilizing the program code stored in memory thereof the Applicant therefore respectfully requests that the ‘means for connecting’ has been set forth in such a way as to enable one skilled in the art to make or use the invention. The Applicant therefore respectfully requests that the Examiner withdraw the aforesaid rejection.

3. DRAWINGS OBJECTED TO UNDER 37 CFR 1.83(a):

The drawings were objected to under 37 CFR 1.83(a). The drawings were objected to on the same grounds as above discussed with respect to the “means for connecting ...” feature.

The Applicant for the reasons discussed above, respectfully submits that the drawings do show every operative element of the scan server required to practice the invention, including the aforesaid connection in a single or separate packets of the meta information with the digital image file.

The Applicant therefore respectfully requests that the Examiner withdraw the aforesaid rejection.

4-5. CLAIMS 1-4 AND 6-14 REJECTED UNDER 35 U.S.C. 102(b):

Claims 1-4 and 6-14 were rejected under 35 U.S.C. 102(b) as anticipated by Takeshi, Ogaki (EP 0748107).

The Applicant has cancelled Claims 1-4 and 6-14, in the interests of expediting prosecution on the objected to Claim 5, and without prejudice to such further prosecution of same as the Applicant shall elect by way of a continuation or other such filing.

6. OBJECTED TO CLAIM 5 CONTAINS ALLOWABLE SUBJECT MATTER:

Claim 5 was objected to as being dependent upon a rejected base claim, but indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant gratefully accepts the Examiner's acknowledgement of allowable subject matter in Claim 5. Claim 5 has been amended to include the limitations of the base and intervening Claims, with the exception of the 'means for connecting' limitation. This limitation is not believed to be required to overcome the cited reference.

Applicant thus believes that Claim 5 has been placed in a condition for allowance.

NEW CLAIM 15

New Independent method Claim 15 has been added. This Claim is fully supported in the specification and no new subject matter has been added. The additional meta data requested corresponds either to the manually entered or globally configured destination specific meta information shown in either FIGS. 2 and 3 respectively.

CONCLUSION

In view of the above remarks, and the amendments to the Claims, Applicant respectfully submits that all remaining Claims 5 and 15 have been placed in a condition for allowance, and requests that they be allowed. Early notice to this effect is solicited.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 50-1338 (Docket No. AXISP006).

Respectfully submitted,

IP CREATORS



Charles C. Cary
Registration No. 36,764

Date: January 14, 2005

P.O. Box 2789
Cupertino, CA 95015
Tel: (408) 850-9585
Fax: (408) 850-9585
E-mail: cccary@ipcreators.com